



**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)  
MERCK-2281

In re Application of: Gerhrad PFAFF et al.

Application No. 09/889,427

Filed: July 18, 2001

For: MULTILAYER PEARL LUSTRE PIGMENT

The owner\*, Merck Patentgesellschaft mit Beschränkter Haftung of 100 percent interest by virtue of an assignment document recorded on July 18, 2001 (Reel 012063/Frame 0091), in the instant application hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,280,520. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

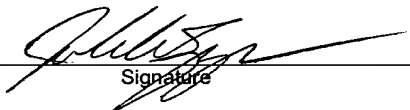
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